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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,766	09/15/2003	Kenichi Ayukawa	1503.68346	1514
24978	7590	05/27/2008		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER NGUYEN, THUY-VI THI	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 05/27/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,766	<b>Applicant(s)</b> AYUKAWA ET AL.	
	<b>Examiner</b> THUY-VI NGUYEN	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/27/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-7, and 9) in the reply filed on 05/01/08 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the preamble recites "dressmaking kit shop in which sewing can be experienced". It is unclear to the examiner about the term "*sewing can be experienced*". It is interpreted that a dressmaking kit shop which sells the dressmaking kit and the sewing can be experienced or the sewing doesn't have to be experienced.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-4, 7 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 5,768,135) in view of Yoshida et al. (US. 6,024,037). Herein after is referred as Park and Yoshida.

**Regarding claim 1**, Park discloses dressmaking kit shop in which sewing can be experienced and which sells dressmaking kits, comprising:

Park discloses a dressmaking kit shelf storing the dressmaking kit [...shelves 20 that contains the dressmaking kit; i.e. garment or apparel, figure 1, col. 4, lines 49-62; col. 5, lines 30-32 and figure 1, shelves (20)];

However, Park does not disclose a sewing machine mounted on a stand, a replay device replaying a sewing method, which is recorded on a storage medium.

Yoshida discloses a sewing machine mounted on a stand [...figure 1]; and a replay device replaying a sewing method, which is recorded on a storage medium [...i.e. the sewing program is stored in a recording medium such as flexible disk, a CDRom, or IC card; col. 9, lines 22-31; control device (30) having the flexible disk drive unit (32; figures 1, 6-7)].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Park with the retail store having a shelf storing the apparels for customer to select to include a sewing machine and a replay device with a storage medium for recording a sewing method as taught by Yoshida in order to improve the process of making apparels..

**Regarding claim 2** Park discloses a textile shelf storing textiles [...shelves 20 that contains the dressmaking kit; i.e. garment or apparel, figure 1, col. 4, lines 49-62 ];

**Regarding claim 3**, Yoshida discloses a shelf storing at least one of the sewing machine and storage medium [figure 1].

**Regarding claim 4**, Park discloses which sells textiles stored in the textile shelf [figures 1 and 7].

**Regarding claim 7**, Park discloses wherein said dressmaking kit includes at least one of textiles; marking drawings and manuals on a sewing procedure [...figure 1].

**Regarding claim 9**, Park discloses dressmaking kit selling facilities established to sell dressmaking kits, comprising:

storage means for storing dressmaking kits including textiles used by the sewing means when sewing [...shelves 20 that contains the dressmaking kit; i.e. garment or apparel, figure 1, col. 4, lines 49-62; col. 5, lines 30-32 and figure 1, shelves (20)];

However, Park does not disclose replay means for replaying a storage medium, which records a sewing method; sewing means for sewing, which is installed in a place where pictures replayed by the replay means can be watched;

Yoshida discloses replay means for replaying a storage medium, which records a sewing method [...i.e. *the sewing program is stored in a recording medium such as flexible disk, a CDROM, or IC card*; col. 9, lines 22-31; *control device (30) having the flexible disk drive unit (32; figures 1, 3-4)*];

sewing means for sewing, which is installed in a place where pictures replayed by the replay means can be watched [...sewing machine (1), program (22) having an LCD (28); col. 3, lines 14-15; lines 54-57 and figures 1, 3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Park with the retail store having a shelf storing the apparels for customer to select to include a sewing machine and a replay device with a storage medium for recording a sewing method as taught by Yoshida in order to improve the process of making apparels..

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 5,768,135) in view of Yoshida et al. (US. 6,024,037) and further in view of Hirata (US 5,771,826).

**Regarding claims 5-6**, the teaching of Park as modified by Yoshida is indicated above. Park as modified by Yoshida further discloses a dressmaking kit shop [figures 1 and 4]. However, Park as modified by Yoshida does not disclose dressmaking kit shop which sells the storage medium and sells the sewing machine.

Hirata discloses the selling the storage medium and sewing machine [...sells memory cards of sewing machine; col. 1, lines 33-39; lines 44-46].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the combination of Park with the dressmaking kit shop having a sewing machine and a storage medium for recording the sewing to include the

selling sewing machine and storage medium as taught by Hirata in order to provide the convenient for user when using this storage medium in a sewing machine as an instruction for making apparels.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. The US Patent to Treadwell et al. disclose a sewing machine having a microprocessor controller coupled to the sewing machine, and to Smith discloses method and apparatus for producing a sewing pattern. The US Patent application publication to Watanabe discloses system and method for custom made clothing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689